

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DOUGLAS SHARRON PIGGEE,

Plaintiff,

v.

2:07 CV 8
(Maxwell)

C. OLINGER, S.I.A. ANTONELLI,
LT. ODDO, LT. TRATE, FOSTER,

Defendants.

ORDER

It will be recalled that on January 30, 2007, *pro se* Plaintiff Douglas Sharron Piggee initiated the above-styled civil action by filing a civil rights complaint against the above-named Defendants and a Motion for a TRO and a Preliminary Injunction.

It will further be recalled that the case was referred to United States Magistrate Judge John S. Kaull in accordance with Rule 83.02 of the Local Rules of Prisoner Litigation Procedure and 28 U.S.C. §§ 1915(e)(2) and 1915(A).

On June 6, 2007, Magistrate Judge Kaull entered an Opinion/Report And Recommendation On Plaintiff's Motion For Injunctive Relief wherein he recommended that the Plaintiff's Motion for a TRO and a Preliminary Injunction be denied without prejudice.

In his Opinion/Report And Recommendation On Plaintiff's Motion For Injunctive Relief, Magistrate Judge Kaull provided the Plaintiff with ten (10) days from the date of said Opinion/Report And Recommendation in which to file objections thereto and advised the Plaintiff that a failure to timely file objections would result in the waiver of

their right to appeal from a judgment of this Court based upon said Opinion/Report And Recommendation.

The Court's review of the docket in the above-styled action has revealed that no objections to Magistrate Judge Kaul's June 6, 2007, Opinion/Report And Recommendation On Plaintiff's Motion For Injunctive Relief have been filed by the Plaintiff and that this matter is now ripe for review.

Upon consideration of Magistrate Judge Kaul's June 6, 2007, Opinion/Report And Recommendation On Plaintiff's Motion For Injunctive Relief, and having received no written objections thereto¹, it is

ORDERED that the Opinion/Report And Recommendation On Plaintiff's Motion For Injunctive Relief entered by United States Magistrate Judge John S. Kaul on June 6, 2007 (Docket No. 11) be, and the same is hereby, **ACCEPTED** in whole and this civil action be disposed of in accordance with the recommendation of the Magistrate Judge. Accordingly, it is

ORDERED that the Plaintiff's Motion for a TRO and a Preliminary Injunction (Docket No. 4) be, and the same is hereby, **DENIED without prejudice**.

ENTER: August 23rd, 2007


United States District Judge

¹The failure of a party to objection to a Report And Recommendation waives the party's right to appeal from a judgment of this Court based thereon and, additionally, relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).